

1301:8-7-39**Requests for information.**

(A) A mortgage servicer will comply with this rule for any written request for information from a borrower that includes the name of the borrower, information that enables the mortgage servicer to identify the borrower's residential mortgage loan account, and states the information the borrower is requesting with respect to the borrower's residential mortgage loan. A request on a payment coupon or other payment form supplied by the mortgage servicer need not be treated by the mortgage servicer as a request for information. A request for a payoff balance need not be treated by the mortgage servicer as a request for information. A qualified written request that requests information relating to the servicing of the mortgage loan is a request for information for purposes of this rule, and a mortgage servicer will comply with all requirements applicable to a request for information with respect to such qualified written request.

(B) A mortgage servicer may, by written notice provided to a borrower, establish an address that a borrower must use to request information in accordance with the procedures in this section. The notice will include a statement that the borrower must use the established address to request information. If a mortgage servicer designates a specific address for receiving information requests, a mortgage servicer will designate the same address for receiving notices of error pursuant to paragraph (C) of rule 1301:8-7-38 of the Administrative Code. A mortgage servicer will provide a written notice to a borrower before any change in the address used for receiving an information request. A mortgage servicer that designates an address for receipt of information requests will post the designated address on any web site maintained by the mortgage servicer if the web site lists any contact address for the mortgage servicer.

(C) Within five business days of a mortgage servicer receiving an information request from a borrower, the mortgage servicer will provide to the borrower a written response acknowledging receipt of the information request.

(D)

(1) Except as provided in paragraphs (E) and (F) of this section, a mortgage servicer will respond to an information request by doing one of the following:

(a) Providing the borrower with the requested information and contact information, including a telephone number, for further assistance in writing;

(b) Conducting a reasonable search for the requested information and providing the borrower with a written notification that states that the mortgage servicer has determined that the requested information is not available

to the mortgage servicer, provides the basis for the mortgage servicer's determination, and provides contact information, including a telephone number, for further assistance.

(2)

(a) A mortgage servicer will comply with paragraph (D)(1) of this section within the following time periods:

(i) Not later than ten business days after the mortgage servicer receives an information request for the identity of, and address or other relevant contact information for, the owner or assignee of a residential mortgage loan;

(ii) For all other requests for information, not later than thirty business days after the mortgage servicer receives the information request.

(b) For requests for information governed by the time limit set forth in paragraph (D)(2)(a)(ii) of this rule, a mortgage servicer may extend the time period for responding by an additional fifteen business days if, before the end of the thirty-day period, the mortgage servicer notifies the borrower of the extension and the reasons for the extension in writing. A mortgage servicer may not extend the time period for requests for information governed by paragraph (D)(2)(a)(i) of this rule.

(3) In its response to a request for information, a mortgage servicer may omit location and contact information and personal financial information, other than information about the terms, status, and payment history of the mortgage loan, if either of the following applies:

(a) The information pertains to a potential or confirmed successor in interest who is not the requester;

(b) The requester is a confirmed successor and the information pertains to any borrower who is not the requester.

(E) A mortgage servicer is not required to comply with paragraphs (C) and (D) of this rule if the mortgage servicer provides the borrower with the information requested and contact information, including a telephone number, for further assistance in writing within five business days of receiving an information request.

(F)

- (1) A mortgage servicer is not required to comply with paragraphs (C) and (D) of this section if the mortgage servicer reasonably determines that any of the following apply:
- (a) The information requested is substantially the same as information previously requested by the borrower for which the mortgage servicer has previously complied with its obligation to respond pursuant to paragraphs (C) and (D) of this rule;
 - (b) The information requested is confidential, proprietary, or privileged;
 - (c) The information requested is not directly related to the borrower's residential mortgage loan account;
 - (d) The information request is overbroad or unduly burdensome. An information request is overbroad if a borrower requests that the mortgage servicer provide an unreasonable volume of documents or information to a borrower. An information request is unduly burdensome if a diligent mortgage servicer could not respond to the information request without either exceeding the maximum time limit permitted by paragraph (D)(2) of this rule or incurring costs or dedicating resources that would be unreasonable in light of the circumstances. To the extent a mortgage servicer can reasonably identify a valid information request in a submission that is otherwise overbroad or unduly burdensome, the mortgage servicer will comply with paragraphs (C) and (D) of this rule with respect to that requested information.
 - (e) The information request is delivered to a mortgage servicer more than one year after either of the following:
 - (i) Servicing for the mortgage loan that is the subject of the information request was transferred from the mortgage servicer receiving the request for information to a transferee mortgage servicer;
 - (ii) The residential mortgage loan is discharged.
- (2) If a mortgage servicer determines that, pursuant to paragraph (F)(1) of this rule, the mortgage servicer is not required to comply with paragraphs (C) and (D) of this section, the mortgage servicer will notify the borrower of its determination in writing not later than five business days after making such determination. The notice to the borrower will set forth the basis under paragraph (F)(1) of this rule upon which the mortgage servicer has made such determination.

(G) A mortgage servicer will not charge a fee, or require a borrower to make any payment that may be owed on a borrower's account, as a condition of responding to an information request.

(H) Nothing in this rule prohibits a mortgage servicer from furnishing adverse information to any consumer reporting agency or pursuing any of its remedies, including initiating foreclosure or proceeding with a foreclosure sale, allowed by the underlying residential mortgage loan instruments, during the time period that response to an information request notice is outstanding.

(I)

(1) With respect to any written request from a person that indicates that the person may be a successor in interest and that includes the name of the transferor borrower from whom the person received an ownership interest and information that enables the mortgage servicer to identify the residential mortgage loan account, a mortgage servicer will respond by providing the potential successor in interest with a written description of the documents the mortgage servicer reasonably requires to confirm the person's identity and ownership interest in the property and contact information, including a telephone number, for further assistance. With respect to the written request, a mortgage servicer will treat the potential successor in interest as a borrower for purposes of the requirements of paragraphs (C) through (G) of this rule.

(2) If a written request under paragraph (I)(1) of this rule does not provide sufficient information to enable the mortgage servicer to identify the documents the mortgage servicer reasonably requires to confirm the person's identity and ownership interest in the property, the mortgage servicer may provide a response that includes examples of documents typically accepted to establish identity and ownership interest in a property; indicates that the person may obtain a more individualized description of required documents by providing additional information; specifies what additional information is required to enable the mortgage servicer to identify the required documents; and provides contact information, including a telephone number, for further assistance. A mortgage servicer's response under paragraph (I)(2) of this rule will otherwise comply with paragraph (I)(1) of this rule. Notwithstanding paragraph (F)(1) (a) of this rule, if a potential successor in interest subsequently provides orally or in writing the required information specified by the mortgage servicer pursuant to paragraph (I)(2) of this rule, the mortgage servicer will treat the new information, together with the original request, as a new, non-duplicative request under paragraph (I)(1) of this rule, received as of the date the required information was received, and will respond accordingly.

- (3) In responding to a request under paragraph (I)(1) of this rule prior to confirmation, the mortgage servicer is not required to provide any information other than the information specified in paragraphs (I)(1) and (2) of this rule. In responding to a written request under paragraph (I)(1) of this rule that requests other information, the mortgage servicer will indicate that the potential successor in interest may resubmit any request for information once confirmed as a successor in interest.
- (4) If a mortgage servicer has established an address that a borrower must use to request information pursuant to paragraph (B) of this rule, a mortgage servicer will comply with the requirements of paragraph (I)(1) of this rule only for requests received at the established address.

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Certification

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Date

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